

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

No. 12-10155-GAO

UNITED STATES

v.

MICHAEL GEMMA

**DEFENDANT'S MOTION TO SUPPRESS EVIDENCE DERIVED FROM
ILLEGAL SEARCH OF VEHICLE**

Michael Gemma, defendant in the above-captioned criminal case, hereby moves this Court, pursuant to the Fourth Amendment to the United States Constitution and Rules 12 and 47 of the Federal Rules of Criminal Procedure, to suppress all physical and testimonial evidence deriving from Massachusetts State Police Trooper Dylan Morris's search of the Nissan Altima on September 30, 2011. The warrantless search of the Altima was unconstitutional. The warrant to search Gemma's computer and cell phone flowed directly from that initial, illegal search. All evidence acquired by law enforcement during the initial search and all evidence they obtained during their subsequent execution of the invalid search warrant must be suppressed.

The grounds for this motion are set forth more fully in the Memorandum of Law and Exhibits and Affidavit filed herewith. Gemma requests an evidentiary hearing on this motion.

Respectfully submitted,
MICHAEL GEMMA
By his attorneys,

/s/Charles W. Rankin

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CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the Electronic Filing System (CM/ECF) will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-participants on September 30, 2013.

/s/Charles W. Rankin

Charles W. Rankin